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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 4268

12 **CORY STEVEN MAYFIELD**
13 **884 North M Street**
Tulare, CA 93274

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH 96374**

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about April 30, 2010, the Board of Pharmacy issued Pharmacy Technician
22 Registration No. TCH 96374 to Cory Steven Mayfield (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on July 31, 2013, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

1 4. Section 4300 of the Code states:

2 "(a) Every license issued may be suspended or revoked.

3 "(b) The board shall discipline the holder of any license issued by the board,
4 whose default has been entered or whose case has been heard by the board and found guilty, by
5 any of the following methods:

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

8 "(3) Suspending his or her right to practice for a period not exceeding one year.

9 "(4) Revoking his or her license.

10 "(5) Taking any other action in relation to disciplining him or her as the board
11 in its discretion may deem proper.

12 "(c) The board may refuse a license to any applicant guilty of unprofessional
13 conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a
14 license who is guilty of unprofessional conduct and who has met all other requirements for
15 licensure. The board may issue the license subject to any terms or conditions not contrary to
16 public policy, including, but not limited to, the following:

17 "(1) Medical or psychiatric evaluation.

18 "(2) Continuing medical or psychiatric treatment.

19 "(3) Restriction of type or circumstances of practice.

20 "(4) Continuing participation in a board-approved rehabilitation program.

21 "(5) Abstention from the use of alcohol or drugs.

22 "(6) Random fluid testing for alcohol or drugs.

23 "(7) Compliance with laws and regulations governing the practice of pharmacy.

24 "(d) The board may initiate disciplinary proceedings to revoke or suspend any
25 probationary certificate of licensure for any violation of the terms and conditions of probation.
26 Upon satisfactory completion of probation, the board shall convert the probationary certificate to
27 a regular certificate, free of conditions.

28

1 "(e) The proceedings under this article shall be conducted in accordance with
2 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,
3 and the board shall have all the powers granted therein. The action shall be final, except that the
4 propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the
5 Code of Civil Procedure."

6 5. Section 4301 of the Code states, in pertinent part:

7 "The board shall take action against any holder of a license who is guilty of unprofessional
8 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
9 Unprofessional conduct shall include, but is not limited to, any of the following:

10 ...

11 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
12 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
13 otherwise, and whether the act is a felony or misdemeanor or not.

14 ...

15 "(l) The conviction of a crime substantially related to the qualifications,
16 functions, and duties of a licensee under this chapter. The record of conviction of a violation of
17 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating
18 controlled substances or of a violation of the statutes of this state regulating controlled substances
19 or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
20 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
21 The board may inquire into the circumstances surrounding the commission of the crime, in order
22 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
23 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
24 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
25 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
26 of this provision. The board may take action when the time for appeal has elapsed, or the
27 judgment of conviction has been affirmed on appeal or when an order granting probation is made
28 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of

1 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
2 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
3 indictment.

4 ...

5 "(p) Actions or conduct that would have warranted denial of a license.

6 ..."

7 6. Section 480 of the Code states, in pertinent part:

8 (a) A board may deny a license regulated by this code on the grounds that the
9 applicant has one of the following:

10 (1) Been convicted of a crime. A conviction within the meaning of this section
11 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
12 which a board is permitted to take following the establishment of a conviction may be taken when
13 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or
14 when an order granting probation is made suspending the imposition of sentence, irrespective of a
15 subsequent order under the provisions of Section 1203.4 of the Penal Code.

16 (2) done any act involving dishonesty, fraud or deceit with the intent to benefit
17 himself or another, or substantially injure another;

18 ...".

19 7. California Code of Regulations, title 16, section 1770, states:

20 "For the purpose of denial, suspension, or revocation of a personal or facility license
21 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
22 crime or act shall be considered substantially related to the qualifications, functions or duties of a
23 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
24 licensee or registrant to perform the functions authorized by his license or registration in a manner
25 consistent with the public health, safety, or welfare."

26 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28

1 M.P. and her property involving moral turpitude, dishonesty, fraud, deceit or corruption, or
2 dishonesty, fraud or deceit with the intent to benefit himself or another, or substantially injure
3 another.

4 OTHER CONSIDERATIONS

5 12. On or about September 11, 2007, Respondent was convicted by his plea of no contest
6 to two counts of violation of Penal Code section 646.9(A) (stalking), and one count of violation
7 of Penal Code section 240 (assault) in the case entitled *People v. Cory Steven Mayfield*, Tulare
8 County Superior Court Case No. VCM189738. Although the aforesaid offenses were charged as
9 felonies against Respondent, they were reduced to misdemeanors under Penal Code section 17b.

10 PRAYER

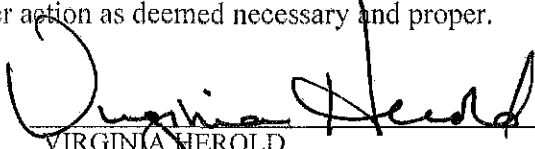
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Pharmacy issue a decision:

13 1. Revoking or suspending Pharmacy Technician Registration No. TCH 96374, issued
14 to Respondent Cory Steven Mayfield;

15 2. Ordering Respondent Cory Steven Mayfield to pay the Board of Pharmacy the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 8/20/12

20 
21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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